

## Federal Property Management Regulations

## § 101-44.001-6

### Subparts 101-44.10—101-44.46 [Reserved]

#### Subpart 101-44.47—Reports

101-44.4701 Reports.

#### Subpart 101-44.48 [Reserved]

#### Subpart 101-44.49—Illustrations of Forms

101-44.4900 Scope of subpart.

101-44.4901 Standard forms.

101-44.4901-123 Standard Form 123, Transfer Order Surplus Personal Property.

101-44.4901-123-A Standard Form 123-A, Transfer Order Surplus Personal Property (Continuation sheet).

101-44.4901-123-1 Instructions for preparing and processing Standard Form 123.

101-44.4902 GSA forms.

101-44.4902-3040 GSA Form 3040, State Agency Monthly Donation Report of Surplus Personal Property.

101-44.4902-3040-1 Instructions for preparing GSA Form 3040.

AUTHORITY: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

SOURCE: 42 FR 56003, Oct. 20, 1977, unless otherwise noted.

### § 101-44.000 Scope of part.

This part prescribes policies and methods governing the donation of surplus personal property located within the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and the donation of foreign excess personal property designated for return to the United States. Additional guidelines regarding the donation of hazardous materials and certain categories of property are prescribed in part 101-42.

[57 FR 39136, Aug. 28, 1992]

### § 101-44.001 Definitions of terms.

For the purposes of this part 101-44 the following terms shall have the meanings set forth in this section.

#### § 101-44.001-1 Agricultural commodity.

*Agricultural commodity* means a product resulting from the cultivation of the soil or husbandry on farms and in the form customarily marketed by farmers.

### § 101-44.001-2 [Reserved]

### § 101-44.001-3 Donable property.

*Donable property* means surplus property under the control of an executive agency (including surplus personal property in working capital funds established under 10 U.S.C. 2208 or in similar management-type funds) except:

(a) Such property as may be specified from time to time by the Administrator of General Services;

(b) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling to assist him in carrying out his responsibilities with respect to price support or stabilization;

(c) Property in trust funds; or

(d) Nonappropriated fund property.

### § 101-44.001-4 Donee.

*Donee* means a service educational activity; a State, political subdivision, municipality, or tax-supported institution acting on behalf of a public airport; a public agency using surplus personal property in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety; an eligible nonprofit tax-exempt educational or public health institution or organization; the American National Red Cross; a public body; an eleemosynary institution; or any State or local government agency, and any nonprofit organization or institution, which receives funds appropriated for programs for older individuals under the Older Americans Act of 1965, as amended, under title IV or title XX of the Social Security Act, or under titles VIII and X of the Economic Opportunity Act of 1964 and the Community Services Block Grant Act.

[53 FR 16106, May 5, 1988]

### § 101-44.001-5 [Reserved]

### § 101-44.001-6 Local government.

*Local government* means a government, or administration of a locality,

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within a State or a possession of the United States.

**§ 101-44.001-7 [Reserved]**

**§ 101-44.001-8 Motor vehicle.**

*Motor vehicle* means a conveyance self-propelled or drawn by mechanical power, designed to be principally operated on the streets and highways in the transportation of property or passengers.

**§ 101-44.001-9 No commercial value.**

*No commercial value* means a determination that property has neither utility nor monetary value (either as an item or as scrap).

[53 FR 16106, May 5, 1988]

**§ 101-44.001-10 Public agency.**

*Public agency* means any State; political subdivision thereof, including any unit of local government or economic development district; any department, agency, or instrumentality thereof, including instrumentalities created by compact or other agreement between States or political subdivisions; multi-jurisdictional substate districts established by or pursuant to State law; or any Indian tribe, band, group, pueblo, or community located on a State reservation.

**§ 101-44.001-11 Public body.**

*Public body* means any State, territory, or possession of the United States; any political subdivision thereof; the District of Columbia; the Commonwealth of Puerto Rico; any agency or instrumentality of any of the foregoing; any Indian tribe; or any agency of the Federal Government.

**§ 101-44.001-12 Service educational activity.**

*Service educational activity* means any educational activity designated by the Secretary of Defense as being of special interest to the armed services; e.g., maritime academies or military, naval, Air Force, or Coast Guard preparatory schools.

**§ 101-44.001-13 State.**

*State* means one of the 50 States, the District of Columbia, the Common-

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wealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[53 FR 16106, May 5, 1988]

**§ 101-44.001-14 State agency.**

*State agency* means the agency in each State designated under State law as responsible for the distribution within the State of all donations of surplus property to public agencies and eligible nonprofit tax-exempt activities.

[53 FR 16106, May 5, 1988]

**§ 101-44.002 Requests for deviations.**

Deviations from the regulations in this part shall only be granted by the Administrator of General Services (or designee). Requests for deviations shall be made in writing to the General Services Administration (FB), Washington, DC 20406, with complete justification. A copy of the authorizing statement for each deviation, including the nature of the deviation, the reasons for such special action, and the Administrator's or designee's approval, will be available for public inspection in accordance with subpart 105-60.3 of this title.

[53 FR 16106, May 5, 1988]

**Subpart 101-44.1—General Provisions**

**§ 101-44.101 Withdrawal of donable property.**

Surplus personal property set aside or approved for donation may be withdrawn for use by the holding agency with the prior approval of GSA. Holding activities may withdraw such property to meet their essential valid requirements in emergency situations without prior approval of GSA, but shall notify GSA immediately of such actions. The GSA regional office will advise the State agency or donee which applied for the property at the time a withdrawal is approved by GSA.

[53 FR 16106, May 5, 1988]